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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,296	12/21/2001	Zhanjun Gao	83662MGB	1348

7590 03/31/2003
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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,296

Applicant(s)

GAO ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 4, 5(a) and 5(b) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second crack initiator in claim 4, line 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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4. The abstract of the disclosure is objected to because line 1 contains the legal phraseology "comprises". Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: the application number for the related application must be provided in the first paragraph.

Appropriate correction is required.

Claim Objections

6. Claim 19 is objected to because of the following informalities: the proper Markush format of --selected from a group consisting of-- should be used. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "disengaging" describes the action of the first crack initiator improperly. The crack initiator is formed as one piece with the first cutter base and cannot be disengaged unless both the initiator and the base are withdrawn simultaneously. For purposes of examination, disengaging is interpreted as the first crack initiator being pushed into the web structure.

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Regarding claims 6 and 8, the phrase "of from about" in line 2 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 9 and 10, the phrase "not more than about" in line 2 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 19, the claim is indefinite because of the wording and the use of "is".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Buttress (2,712,169).

Regarding claim 1, note the method of cutting a laminated web structure; first side b; first crack initiator g; high rake angle juxtaposed between lead lines of h and g in figure 3; first cutter base juxtaposed between lead lines of h and j in figure 3; support web a; upper layer b; second side c; second cutter f; first crack, engaging laminated web with cutter base and further propagating the first crack while disengaging the first crack initiator in figures 5 and 10.

Regarding claim 2, note crack in second side c in figure 5.

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Regarding claim 3, note generating second crack and intersection of first crack and second crack in figures 4 and 5.

Regarding claim 4, note second crack initiator f.

Regarding claim 5, note in figure 4 that the height of the first crack initiator is greater than a thickness of layer b. It is inherent that the height of the first crack initiator is greater than 5 microns due to the fact that the apparatus shown in figure 1 shows a handle 35, which is to be used by a human hand. If the height of the first crack initiator was smaller than 5 microns, the machine would not be capable of human operation.

Regarding claims 6 and 8, note in figure 4 the rake angle is in the range of 45 to 70 degrees.

Regarding claim 7, note in figure 4, there are several places that one can measure an angle for the low rake angle so that it is 15 degrees less than the high rake angle.

Regarding claims 9 and 10, note that the relief angle of the first crack initiator is not more than 30 degrees as shown in figure 4. It is noted that the relief angle of the first crack initiator is measured on the right side of blade g. All of the above rejected claims pertaining to the rake angle pertain to the left side of the blade g. It is further noted that the relief angle of the first crack initiator is not more than 30 degrees because it is a negative degree relief angle. The rejection of the first crack initiator is the same for the first cutter base.

Regarding claims 11, 12 and 13, note curved edges of cutter base and first crack initiator in figure 4.

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttress in view of Novak et al (4,092,173), hereafter Novak. Buttress discloses everything as noted above, but does an imaging element. However, Buttress teaches an imaging element in column 1, lines 14-17. It would have been obvious to provide an additional layer in Buttress as taught by Novak to increase the possible uses and value of the laminated web. Note that the cutting of imaging elements in column 6, lines 10-20.

Regarding claim 14, note one additional layer in column 2, lines 23-26.

Regarding claim 15, note protective layer in column 2, lines 37-44.

Regarding claim 16, note polymeric material in column 2, lines 47-48.

Regarding claim 17, note coating in column 7, lines 47-50.

Regarding claim 18, note that a separate web is laminated onto the support web in the well-known process of extrusion coating disclosed in column 5, line 25.

Regarding claim 19, note layers of copolymers in column 2, lines 19-50.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buttress '861, Dalglish, Hershberger, Marbach, Pelz, Virgadamo, Imataki and

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Morse et al are cited for web cutting; Theodorou, Martens et al, Clark, Parsons, Joseph et al and Harada et al are cited for laminated webs with imaging elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

IH
March 20, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700